

1 WILLIAM A. ISAACSON (*Pro hac vice*)
(wisaacson@bsflp.com)
2 STACEY K. GRIGSBY (*Pro hac vice*)
(sgrigsby@bsflp.com)
3 NICHOLAS WIDNELL (*Pro hac vice*)
(nwidnell@bsflp.com)
4 BOIES SCHILLER FLEXNER LLP
1401 New York Avenue, NW
Washington, DC 20005
5 Tel: (202) 237-2727; Fax: (202) 237-6131

6 RICHARD J. POCKER #3568
(rpocker@bsflp.com)
7 BOIES SCHILLER FLEXNER LLP
300 South Fourth Street, Suite 800
8 Las Vegas, Nevada 89101
Tel: (702) 382-7300; Fax: (702) 382-2755

9
10 DONALD J. CAMPBELL #1216
(djc@campbellandwilliams.com)
11 J. COLBY WILLIAMS #5549
(jcw@campbellandwilliams.com)
12 CAMPBELL & WILLIAMS
700 South 7th Street
13 Las Vegas, Nevada 89101
Tel: (702) 382-5222; Fax: (702) 382-0540

14 *Attorneys for Defendant Zuffa, LLC, d/b/a*
15 *Ultimate Fighting Championship and UFC*

16
17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 Cung Le, Nathan Quarry, Jon Fitch, Brandon
20 Vera, Luis Javier Vazquez, and Kyle Kingsbury,
21 on behalf of themselves and all others similarly
situated,

22 Plaintiffs,

v.

23 Zuffa, LLC, d/b/a Ultimate Fighting
24 Championship and UFC,

25 Defendant.

26 No.: 2:15-cv-01045-RFB-(PAL)

27
28 **DECLARATION OF STACEY K.
GRIGSBY IN SUPPORT OF
DEFENDANT ZUFFA, LLC'S
MOTION TO SEAL ZUFFA'S REPLY
IN SUPPORT OF ZUFFA'S MOTION
FOR SUMMARY JUDGMENT**

1 I, Stacey K. Grigsby, declare as follows:

2 1. I am a member in good standing of the bar of the District of Columbia and the bar of
 3 the State of New York. I am admitted *pro hac vice* to practice before this Court. I am a Partner in
 4 the law firm Boies Schiller Flexner LLP (“BSF”), counsel for Zuffa, LLC (“Zuffa”) in the above
 5 captioned action in the U.S. District Court for the District of Nevada, *Le et al. v. Zuffa, LLC*, No.
 6 2:15-cv-01045-RFP-PAL.

7 2. I make this declaration in support of Zuffa’s Motion to Seal Zuffa’s Reply in Support
 8 of Zuffa’s Motion for Summary Judgment (“Motion to Seal”). Based on my personal experience,
 9 knowledge, and review of the files, records, and communications in this case, I have personal
 10 knowledge of the facts set forth in this Declaration and, if called to testify, could and would testify
 11 competently to those facts under oath.

12 3. Zuffa has moved to seal certain documents, deposition testimony, and corresponding
 13 portions of Zuffa’s Reply in Support of Zuffa’s Motion for Summary Judgment (“Reply”) that
 14 contain highly confidential financial information, including Zuffa’s financial records and specific
 15 financial information regarding Zuffa’s contracts with athletes including payment terms; highly
 16 confidential contractual information, including commercially sensitive contract terms and contract
 17 strategies; and highly confidential trade secret business information, including commercially
 18 sensitive business, acquisition, marketing and negotiation strategies.

19 4. In addition, the portions of expert deposition testimony, exhibits, and corresponding
 20 portions of Zuffa’s Reply in Support of Zuffa’s Motion for Summary Judgment that Zuffa seeks to
 21 file under seal contain highly confidential contain commercially sensitive terms, trade secrets,
 22 business strategies and specific financial information, including financial information regarding
 23 Zuffa’s contracts with athletes.

24 5. With respect to Zuffa’s financial information, it is my understanding that Zuffa, a
 25 privately owned company, treats its financial records and financial analysis, revenue, compensation,
 26 and other confidential financial information as trade secret information. Disclosure of this
 27 information would provide competitors with unfair and damaging insights into Zuffa’s business
 28 practices, including providing competitors with unearned competitive advantages.

6. With respect to Zuffa's confidential contract provisions, it is my understanding that Zuffa treats its agreements with athletes, as well as payments made as a result of those agreements, as confidential trade secret information, and does not publicly disclose information relating to fighter contracts, the various forms of fighter compensation paid under those agreements, nor the strategic reasoning underlying each contract provision. Nor does Zuffa publicly disclose information relating to sponsors or licensees and the various contractual requirements for sponsors and licensees who contract to do business with Zuffa. Public disclosure of this information would provide competitors with unfair and damaging insights into Zuffa's business practices.

7. Additionally, Zuffa considers its internal decision making process, discussions, and business and marketing strategies and analysis to be confidential. This includes its negotiations and confidential communications with athletes, sponsors, licensees, and other business partners. Public disclosure of this information would be likely to provide competitors with unfair and damaging insights into Zuffa's business practices, including providing those competitors with unearned competitive advantages.

8. With respect to the information designated confidential by third parties to this litigation, or containing information confidential to third parties, disclosure of this information is likely to cause competitive harm or privacy harm to third parties to this suit.

9. Counsel for Zuffa spent many hours reviewing all of the exhibits to the Reply in order to carefully tailor Zuffa's sealing requests and determined that all but nine of the exhibits to the Reply should be filed publicly in their entirety. Zuffa limits its sealing requests to limited portions of only nine of the exhibits to the Reply.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct. Executed this 2nd day of November, 2018 in Washington, DC.

/s/ Stacey K. Grigsby
Stacey K. Grigsby